

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**IN RE: AME CHURCH EMPLOYEE  
RETIREMENT FUND LITIGATION**

**MDL Case No. 1:22-md-03035-STA-jay  
ALL CASES**

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**ORDER GRANTING MOTION TO DISMISS DEFENDANTS DAVIS AND GREEN  
WITHOUT PREJUDICE**

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Before the Court is the motion to dismiss Plaintiffs' claims against Defendants Bishop James Davis and Bishop Samuel Green, Sr. without prejudice. (ECF No. 586.) The motion was filed jointly by Plaintiffs, the AMEC Defendants, and Bishops Davis and Green. Symetra has filed a response in opposition to the motion. (ECF No. 608.) The Court heard argument from the parties at the status conference on February 4, 2025. At that time Symetra expressed to the Court that it needed to review certain emails concerning these two defendants that had not yet been provided by the AMEC Defendants before withdrawing its objection. At the status conference on March 18, 2025, Symetra and the AMEC Defendants agreed that the emails had been provided approximately one week before the status conference. However, Symetra stated that it had not yet had time to review all the emails. No other party has objected to the motion.

As grounds for their motion, Plaintiffs and the AMEC Defendants state that they have agreed to a settlement in principle that resolves Plaintiffs' claims against the AMEC Defendants. They have now filed a motion for preliminary approval of that settlement. As a term of the settlement, Plaintiffs and the AMEC Defendants have agreed to jointly move to dismiss Plaintiffs' claims against Bishops Davis and Green. Notably, the motion asks for the dismissal to be without prejudice at this juncture. According to the movants, if and when the settlement is approved by

the Court, Plaintiffs will dismiss Bishops Davis and Green with prejudice. The AMEC Defendants state that Bishops Davis and Green both have already responded to discovery and been deposed, and they assure the Court that they will continue to respond to discovery requests directed at these two individuals in accordance with their obligations under the Federal Rules of Civil Procedure.

Federal Rule of Civil Procedure 21 provides: “On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.” Courts construe motions for voluntary dismissal of individual defendants or individual claims, as in the present case, as a motion to dismiss under Rule 21. *See, e.g., Eng. v. Equifax Info. Servs., LLC*, 2024 WL 3581052, at \*1 (S.D. Ohio July 30, 2024) (“Federal Rule of Civil Procedure 21 is the proper vehicle for dismissing some — but not all — claims or parties.”); *Wilkerson v. Brakebill*, 2017 WL 401212, at \*2 (E.D. Tenn. Jan. 30, 2017) (“Thus, the Court finds it appropriate to apply Rule 21 in this matter, [when] plaintiffs move to voluntarily dismiss one of several claims.”). The Court is tasked, in its discretion, with determining whether any other party will be prejudiced if the motion is granted. *See Espinosa v. First Advantage Background Servs. Corp.*, 343 F.R.D. 414, 416 (S.D. Ohio 2023) (stating that the discretion to determine prejudice is left with the district court (citations omitted)). A court may properly dismiss claims or parties without prejudice “on just terms” under Rule 21 if there is no “gratuitous harm” or “plain legal prejudice” to the non-moving parties. *Franz v. Oxford Cmty. Sch. Dist.*, 2023 WL 2506412, at \*1 (E.D. Mich. Mar. 14, 2023) (citations omitted).

Here, Symetra Life, the only objecting party, has failed to point to any prejudice that it will suffer if Defendants Davis and Green are dismissed from the action. The AMEC Defendants are on record as assuring the Court that, even if dismissed, Davis and Green will fulfil any outstanding discovery obligations. Moreover, the dismissal is without prejudice. Simply put, Symetra has

presented no reason for the Court not to grant the motion. Accordingly, the motion to dismiss Plaintiffs' claims against Defendants Bishop James Davis and Bishop Samuel Green, Sr. without prejudice (ECF No. 586) is **GRANTED**, and they will be terminated as defendants in the action.

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: March 24, 2025.